

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JUDITH RÉ,

Plaintiff,

v.

JODI R.R. SMITH, AND

BARNES & NOBLE, INC.,

Defendants.

Civil Action No. 04-11385-RGS

**DEFENDANTS' ASSENTED TO MOTION FOR ENLARGE THE PAGE LIMITATION
FOR DEFENDANTS' MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1 (B)(4), Defendants Barnes & Noble, Inc. and Jodi R. R. Smith (collectively, "Defendants"), by their undersigned counsel, hereby respectfully file this assented to motion to request to enlarge the page limitation on Defendants' memorandum in support of their Fed. R. Civ. P. Rule 56 motion for summary judgment from twenty pages to thirty pages. In support of their motion, Defendants state as follows:

On November 18, 2004, Defendants filed their initial motion, which motion Defendants incorporate by reference herein, requesting that the page limitation on Defendants' memorandum in support of their Fed. R. Civ. P. Rule 56 motion for summary judgment from twenty pages to thirty pages.¹ On November 23, 2004, counsel for Defendants and Plaintiff's counsel did confer by telephone and Plaintiffs counsel assented to the relief requested in this motion.² Based on the Scheduling Order entered by the Court, Defendants motion for summary judgment must be filed with the Court on November 24, 2004.

¹ At that time, although counsel for Defendants made several attempts to speak with counsel for Plaintiff, under Local Rule 7.1, to receive their assent to this motion, Plaintiffs' counsel did not return the messages left for him.

² Defendants counsel also agreed to assent to Plaintiff's request, should they make one, to enlarge their page limitation to thirty pages.

WHEREFORE, Defendants respectfully request that the Court allow Defendants' assented to motion and, therefore, enter an order enlarging the page limitation on Defendants' Memorandum in support of their Fed. R. Civ. P. Rule 56 motion for summary judgment from twenty pages to thirty pages and granting such further and additional relief as the Court deems just and proper.

Dated: November 23, 2004

DEFENDANTS JODI R. R. SMITH and
BARNES & NOBLE, INC.

By their attorneys,

/s/ Jeffrey E. Francis

Richard S. Sanders (BBO # 562014)

Jeffery Francis (BBO# 639944)

SULLIVAN & WORCESTER LLP

One Post Office Square

Boston, Massachusetts 02109

(617) 338-2800

(617) 338-2880 facsimile

jfrancis@sandw.com

Erik W. Kahn

Daniel P. Waxman

Kira P. Watson

BRYAN CAVE LLP

1290 Avenue of the Americas

New York, New York 10104

(212) 541-2000

(212) 541-4630 facsimile

LOCAL RULE 7.1 CERTIFICATION

On November 23, 2004, counsel for Defendants conferred by telephone with counsel for Plaintiff concerning the relief requested in this motion and counsel for Plaintiff assented to the relief requested.

/s/ Jeffrey E. Francis

Jeffery Francis (BBO# 639944)

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Boston, Massachusetts 02109

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jfrancis@sandw.com